



## Berkeley County Transportation Impact Fees: *Summary*

Berkeley County Council enacted the "Transportation Impact Fee Ordinance" (06-11-75) on November 13, 2006, to implement the *Capital Improvements Plan for Berkeley County* and the *Berkeley County Impact Fee Study*. The purpose of the Ordinance is to generate revenue needed to construct roadways and roadway improvements to address deficiencies related to increased traffic from new development and redevelopment.

The provisions of the Ordinance apply to all unincorporated areas of Berkeley County. However, the Study determined that, at this time, eligible roadway projects only occurred within Service Zone 1. Therefore, currently no transportation impact fee is assessed in the other four service zones. Service Zone 1 is the southwestern area of the County and is bounded generally by the Cooper River on the east, the County line on the west, and Cypress Swamp on the north.

The provisions of the Ordinance apply to all new construction for which a building permit is required, with special exceptions. Generally, those exceptions are construction which would not result in an increase in traffic trip generation, including:

- Rebuilding the same amount of floor space of a structure destroyed by fire or other natural catastrophe;
- Remodeling or repairing a structure with the same land use that does not result in an increase in traffic trip generation;
- Construction of an addition to a residential structure that does not increase the amount of traffic generated by the same land use.

For more information regarding exemptions, see Article 7 of the Ordinance.

The Transportation Impact Fee is calculated by multiplying the number of units of the type of land use by the Discounted Impact Fee. For a single family home, the fee would be

$(1 \times \$1,348 =) \$1,348$ . For a 3,000 square foot general retail store, the fee would be  $(3 \times \$6,337 =) \$19,011$ .

If the fee payor disagrees with the land use determination and/or fee calculation of the County, he may have an independent calculation performed at his expense. The independent calculation, which must conform to the requirements of the Ordinance, and a \$500 processing fee must accompany the building permit application. The independent calculation will be reviewed by the County Engineer who shall either approve or provide in writing the reasons for disapproval within 30 days of the review submittal. The building permit process is suspended during the independent fee calculation review process.

In addition to the independent fee calculation procedure, a developer shall have the following rights for appeal of transportation impact fees: administrative appeal, payment under protest, and mediation. (See Article 14 of the Ordinance.)

A developer shall be entitled to a credit against Transportation Impact Fees assessed pursuant to the Ordinance for County-approved monetary or in-kind contributions toward Public Facilities included in the *Capital Improvements Plan for Roadways in Berkeley County* that are eligible for impact fee funding. The determination of the amount of any credit shall be undertaken through submission of an Application for Credit Agreement, which shall be submitted through the County Permitting Department for review by the Planning and Zoning Administrator, or its designee. (See Article 12 of the Ordinance.)

*This summary is intended to provide general information regarding Berkeley County's transportation impact fees. In the event of a conflict between this summary and the Berkeley County Transportation Impact Fee Ordinance (Ordinance 06-11-75), the provisions of the ordinance shall prevail. For a copy of the ordinance, please contact the County Council Office at 843.719.4092, or [http://www.co.berkeley.sc.us/county\\_council/fro/06-11-75.pdf](http://www.co.berkeley.sc.us/county_council/fro/06-11-75.pdf).*